



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/160211

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 25, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Racine County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on September 25, 2014, at Racine, Wisconsin.

The issue for determination is whether the county agency correctly calculated Petitioner's monthly FS benefits.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

I

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Rhonda Kramer

Racine County Department of Human Services  
1717 Taylor Ave  
Racine, WI 53403-2497

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter

Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner's household size is 2.
3. On August 8, 2014 Petitioner applied for FS benefits.

4. Petitioner's monthly gross income is \$2059.90 consisting of SSDI for Petitioner in the amount of \$1358.90 and SSDI for Petitioner's wife in the amount of \$701.
5. Petitioner's monthly rent is \$800.00. Petitioner is also responsible for all of his utilities.
6. Petitioner also reported that he paid a premium for private health insurance, but did not provide verification of this premium prior to the fair hearing.
7. The agency determined that Petitioner was eligible for \$15 in monthly FS benefits. The agency issued Petitioner \$11 in monthly FS benefits for the partial month of August, and \$15 for the month of September.
8. On August 27, 2014 the Division of Hearings and Appeals received Petitioner's request for fair hearing.

### **DISCUSSION**

In calculating the petitioner's FS allotment, the agency must follow a procedure prescribed by the federal FS regulations, and echoed in the Department's *FS Wisconsin Handbook*. The federal rule requires that the county start with gross income, deducting a limited number of identified deductions from that income to calculate the adjusted income. *FSWH*, 1.1.4. The regulations direct that a Standard Deduction be subtracted from income in all FS cases. 7 C.F.R. §273.9(d)(1). The Standard Deduction for a household size of 2 is \$152, per *FS Wisconsin Handbook*, 8.1.3. There are additional deductions including earned income deduction, excess medical and dependent care. 7 C.F.R. §273.9(d)(3). An Excess Shelter Deduction can be subtracted from the income after deductions if allowable shelter expenses exceed half of the adjusted income. 7 C.F.R. §273.9(d)(6)(ii).

I have reviewed the agency's calculations in this case. The agency correctly determined Petitioner's monthly FS benefits for August and September. Petitioner did not dispute any of the numbers the agency used in their calculations. Petitioner agreed that his monthly gross income was \$2059.90. Petitioner agreed that his rent was \$800 and that he was responsible for his utilities. Petitioner reported that he had some medical expenses. The agency acknowledged that fact, and stated that once they calculate those expenses his monthly FS benefits could increase. Unfortunately Petitioner had not yet provided that verification to the agency. The agency must rely on the information provided and verified. In this case the agency did that and their calculations are correct.

### **CONCLUSIONS OF LAW**

The agency correctly calculated Petitioner monthly FS benefits for August and September.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

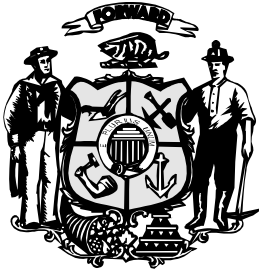
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 1st day of October, 2014

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\sCorinne Balter  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 1, 2014.

Racine County Department of Human Services  
Division of Health Care Access and Accountability